

## **BILL ANALYSIS**

Senate Research Center

S.B. 302  
By: Brown  
Jurisprudence  
2-10-97  
As Filed

### **DIGEST**

Currently, Texas law does not extend fiduciary responsibility to retailers who enter into consignment fuel agreements with petroleum marketers. When retailers refuse to forward the marketer's share of the proceeds after the sale, there is no criminal penalty available. This bill will provide that a fiduciary includes a commercial bailee who is a party in a motor fuel sales agreement with a distributor or supplier.

### **PURPOSE**

As proposed, S.B. 302 defines fiduciary to include a commercial bailee who is a party in a motor fuel sales agreement with a distributor or supplier.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 32.45(a)(1), Penal Code, to redefine "fiduciary" to include any other person acting in a fiduciary capacity, but not a commercial bailee unless the commercial bailee is a party in a motor fuel sales agreement with a distributor or supplier, as those terms are defined by Section 153.001, Tax Code.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 1997.

SECTION 4. Emergency clause.